

Appl. No. 09/997,652
Amdt. Dated December 27, 2005
Reply to Office Action of August 25, 2005

• • R E M A R K S / A R G U M E N T S • •

The Office Action of August 25, 2005 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following comments, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, the specification has been amended on page 5 in the manner courteously suggested by the Examiner.

Also by the present amendment, independent claim 1 has been changed to recite that first segment of each groove extends continuously into the crotch region and the front waist region and that the second segment of each groove extends continuously into the crotch region and the rear waist region.

Claim 1 has further been amended to recite that the first and second segments of each individual ones of said at least one groove are "adjacent one another in the longitudinal directed but for the exclusion from the longitudinal center of the crotch region."

This latter change to claim 1 adapts the Examiner's language found on page 3 of the Office Action.

Claim 6 has been changed in the manner suggested by the Examiner.

Finally, new claim 9 has been added which recites that the first and second segments of each individual ones of the at least one groove are collinear.

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Support for the changes to the claims can be readily found in the drawings.

Entry of the changes to specification and claims are respectfully requested.

On page 2 of the Office Action the Examiner objected to the disclosure. Under this objection the Examiner courteously suggested changes for page 5 which applicants have adapted and incorporated into the present amendment.

On page 3 of the Office Action the Examiner has explained her interpretation of the claim language.

Applicants note that the Examiner indicated that the last three lines of claim 1 appear to be redundant with lines 4-7. Lines 4-7 of claim 1 recite the direction in which the body fluid absorbent core extends. The last three lines of claim 1 recite the length of the body fluid absorbent core.

The Examiner's helpful comments have resulted in the above changes to claims 1 and 6.

That is, claim 1 has been changed to recite that first segment of each groove extends continuously into the crotch region and the front waist region and that the second segment of each groove extends continuously into the crotch region and the rear waist region.

Claim 1 has further been amended to recite that the first and second segments of each individual ones of said at least one groove are "adjacent one another in the longitudinal directed but for the exclusion from the longitudinal center of the crotch region." (Language used by the Examiner on page 3).

Claim 6 has been changed in the manner suggested by the Examiner on page 3.

Claims 1-9 are pending in this application.

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Claims 1, 4, 5 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,788,003 to Morin in view of U.S. Patent No. 5,514,104 to Cole et al., U.S. Patent No. 5,891,118 to Toyoshima et al. and 3,993,820 to Repke.

Claims 3 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morin in view of Cole et al., Toyoshima et al. and Repke and further in view of American Heritage Dictionary definition of "grid."

Claims 1 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,072,150 to Glassman in view of Morin, U.S. Patent No. 5,514,120 to Johnston et al., Cole et al., Toyoshima et al. and Repke.

The Examiner has conceded that Morin fails to teach:

...at least one groove consisting of two segments which segments extend into the crotch region and the front and back waist regions, respectively, but are excluded from at least the longitudinal centerline of the crotch region and are aligned with one another longitudinally.

On page 4 of the Office Action the Examiner states that:

...while the instant specification discloses that the grooves collect transversely flowing fluids to prevent leakage and spread such liquid longitudinally and provide spacing, it does not disclose the criticality of the groove pattern claimed, i.e. discontinuous grooves extending in the longitudinal direction over continuous grooves such as shown by Morin. (Underlining added)

The Examiner's attention is directed to applicant's original specification in the paragraph bridging pages 10 and 11 which discloses:

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... a flow of air high in temperature and humidity can be guided from the interior of the core 38 through the backsheet 37 into the first groove 41 and freely moved therein without being hindered the cover member 2. With the inner and outer sheets 16, 17 of the cover member 2 being air permeable, a flow of air high in temperature and humidity introduced into the first groove 41 can be exhausted therefrom into the exterior of the diaper 1. (Underlining added)

As disclosed, the “continuous” groove segments that do not extend across the longitudinal center of the crotch region function to vent or exhaust hot, humid air so as to provide more comfort to the wearer.

Accordingly the Examiner can appreciate that the structure of applicants’ groove segments provides for a particular function which is not provided by Morin (as the Examiner concedes), nor by the discontinuous embossed pattern of Cole et al., nor by the discontinuous grooves 510 of Toyoshima et al, nor by discontinuities of Repke.

Applicants’ independent claim 1 is believed to exclude groove structures that extend across the center of the crotch region and further exclude discontinuous groove patterns.

Moreover, applicants’ independent claim 1 is believed to preclude the interpretation of “other” groove segments that are longitudinally between the first and second groove segments.

As such, it is believed that the teaching of the prior art of record cannot be combined to render applicants’ claimed invention obvious as required under 35 U.S.C. §103.

The Examiner’s reliance upon the definition of “grid” does not address of overcome the differences between the present invention as set forth in independent claim 1 above.

The Examiner has conceded that Glassman fails to teach:

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1) at least one groove being formed in the backsheet facing side and 2) the at least one groove consisting of two segments which extend into the crotch region and the front and back waist regions respectively but are excluded from at least the longitudinal centerline of the crotch region and are aligned with one another longitudinally.

On page 8 the Examiner again states that applicants' specification does not "disclose the criticality of the grooved pattern claimed" and relies upon the Cole et al., Toyashima et al, and Repke as teachings various groove structures/patterns.

In each rejection the Examiner has stated that the combination of the prior art teachings results in obviousness "in view of the lack of disclosure of criticality."

As pointed out above, applicants' specification does teach a particular function of the claimed grooves/groove patterns as venting or exhausting hot humid air.

As conceded by the Examiner, the primary references each fail to teach applicants' claimed groove structures.

The secondary references teach either grooves that extend across the center of the crotch region or discontinuous grooves - each of which are excluded from applicants' claimed invention.

Accordingly, it is submitted that the prior art or record 1) does not teach (or appreciate) the particular function provided by applicants' grooves/groove patterns nor 2) render obvious the structure of applicants' claimed grooves/groove patterns.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is

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respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicant's claimed invention.

Moreover, Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

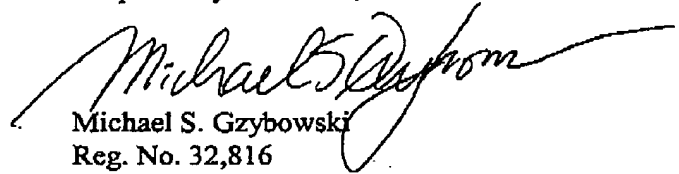
If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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